

1986

Salt Lake City, a municipal corporation of the State of Utah v. Susan Womack : Unknown

Utah Supreme Court

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UTAH

FILED

MAY 22 1986

§ 20712

IN THE SUPREME COURT
OF THE STATE OF UTAH

Clerk, Supreme Court Utah

SALT LAKE CITY, a municipal
corporation of the State of
Utah,

Plaintiff-Respondent,

vs.

SUSAN WOMACK,

Defendant-Appellant.

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CITATION OF SUPPLEMENTAL
AUTHORITIES

Case No. 20712

COMES NOW the respondent, Salt Lake City, pursuant to the provisions of Rule 24(j), Utah Rules of Appellate Procedure and submits the following authority.

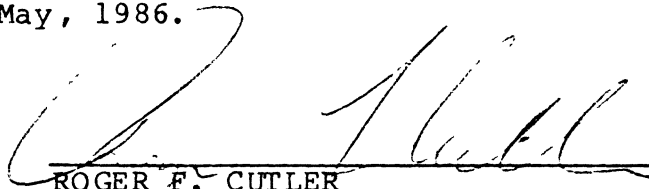
This citation is in support of its position that no Miranda warning was required when the police officer approached Appellant-Womack's vehicle, after having observing the traffic violations, and inquired if she had been drinking.

The Court recently explained the four requirements necessary for this Miranda warning to be applicable by reaffirming the following four elements to be considered: (1) The site of the interrogation; (2) Whether the investigation focused on the accused; (3) Whether the objective indicia of arrest were present; and (4) The length and form of interrogation. State of Utah v. Speer, 33 Utah Adv. Rep. 7, 11 (No. 20418, filed 5-1-86),

citing Salt Lake City v. Carner, 664 P.2d 1168, 1171 (Utah 1983).

Obviously, such a comment from an officer approaching the driver's window does not bring to bear the four elements essential to a Miranda warning.

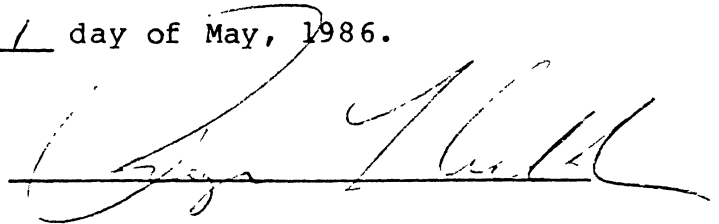
DATED this 21 day of May, 1986.



ROGER F. CUTLER
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CERTIFICATE OF MAILING

I hereby certify that I mailed a true and correct copy of the foregoing Citation of Supplemental Authorities to Phil L. Hansen, Attorney for Appellant, at 800 Boston Building, Salt Lake City, Utah 84111, by depositing said copy in the U.S. mail with postage prepaid thereon this 21 day of May, 1986.



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